

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CHAPTER 13
DENISE ELAINE MALCOLM)	CASE: A18-64324-JWC
)	
)	
DEBTOR)	

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS CASE

COMES NOW, Nancy J. Whaley, the Standing Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1.

The Debtor's Chapter 13 plan fails to correctly complete the check boxes required by sections 1.3. Any provisions in correlating sections are ineffective and the Chapter 13 Trustee cannot administer the plan as filed. Additionally, failure to complete the correct check boxes may not provide proper service of the plan on affected parties.

2.

The plan as proposed will extend to sixty-four (64) months, which exceeds the sixty (60) months allowed by 11 U.S.C. Section 1322(d).

3.

The Debtor has failed to provide to the Trustee a copy of the 2017 tax return filed with Internal Revenue Service in violation of 11 U.S.C. Section 521(e)(2)(A).

4.

Question #18 of Debtor's Statement of Financial Affairs is inaccurate and/or incomplete in violation of 11 U.S.C. Section 521(a)(1) and Bankruptcy Rule 1007(b)(1).

5.

The Chapter 13 plan proposes to pay \$5,600.00 to the Debtor's attorney for payment of attorney fees. The Trustee is unable to determine whether this is a reasonable fee and requests that Debtor's counsel appear at Confirmation and be prepared to present evidence to the Court regarding the reasonableness of the requested fee.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtor's plan, and to dismiss the case.

This the 10th day of October, 2018.

Respectfully submitted,

/s/_____
Eric W. Roach
Attorney for the Chapter 13 Trustee
State Bar No. 143194

CERTIFICATE OF SERVICE

Case No: A18-64324-JWC

This is to certify that I have this day served the following with a copy of the foregoing Chapter 13 Trustee's Objection To Confirmation And Motion To Dismiss Case by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

Debtor(s)

DENISE ELAINE MALCOLM
4299 PLEASANT LAKE VILLAGE LANE
APT. B
DULUTH, GA 30096

By Consent of the parties, the following have received an electronic copy of the foregoing Chapter 13 Trustee's Objection To Confirmation And Motion To Dismiss Case through the Court's Electronic Case Filing system.

Debtor(s) Attorney:

SLIPAKOFF & SLOMKA, PC
se@myatllaw.com

This the 10th day of October, 2018.

/s/ _____

Eric W. Roach
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